

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Matthew Gardner

Docket No. 7:17-CR-151-1H

Petition for Action on Supervised Release

COMES NOW David W. Leake, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Matthew Gardner, who, upon an earlier plea of guilty to Conspiracy to Commit Wire Fraud, 18 U.S.C. §§ 1349 and 1343, and Conspiracy to Commit Money Laundering, 18 U.S.C. §§ 1956(h) and 1957, was sentenced in the District of New Jersey by the Honorable Jerome B. Simandle, Chief U.S. District Judge, on April 22, 2015, to the custody of the Bureau of Prisons for a term of 25 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 3 years.

Matthew Gardner was released from custody on May 16, 2017, at which time the term of supervised release commenced.

On October 5, 2017, the District of New Jersey was notified that the defendant was charged with Driving While Impaired (17CR54708) in Brunswick County, North Carolina, on September 19, 2017. A request for Transfer of Jurisdiction was also made. On October 23, 2017, the New Jersey ordered the defendant to complete 12 hours of community service within six months.

On November 27, 2017, jurisdiction was transferred to the Eastern District of North Carolina.

**RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS
FOLLOWS:**

On November 14, 2017, the defendant was charged with Felony Larceny Remove/Destroy/Deactivate Anti-Theft Device (17CR59723) in New Hanover County, North Carolina. The charge is being investigated and adjudication is pending. The defendant is adamant that he is not guilty of wrongdoing and is confident that he will be exonerated. Additionally, on December 4, 2017, the defendant submitted to a drug screen that yield positive results for marijuana on an instant drug test instrument. Subsequently, he admitted to using marijuana on December 3, 2017, but maintains that he only took one puff on a marijuana cigarette. The urine specimen was submitted for laboratory analysis. Given the violations reported, it is recommended that the defendant be ordered to serve two days in jail for the positive drug test and be placed in the DROPS Program at the Second Use Level. Additionally, he will be referred for substance abuse treatment. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision. As the Larceny charge is pending, no action is recommended pending adjudication.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. While under supervision in the Eastern District of NC, the defendant shall participate in the DROPS Program and, in response to detected illegal drug use, shall be confined in the custody of the Bureau of Prisons for a period not to exceed 30 days of intermittent confinement, as arranged by the probation office, in the following increments: First Use - Two Days; Second Use - Five Days; Third Use - Ten Days; The defendant shall begin the DROPS Program in the second use level.
2. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, as arranged by the probation office and shall abide by all rules and regulations of the designated facility.

Matthew Gardner
Docket No. 7:17-CR-151-1H
Petition For Action
Page 2

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ David W. Leake
David W. Leake
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-679-2045
Executed On: December 7, 2017

ORDER OF THE COURT

Considered and ordered this 12 day of December, 2017, and ordered filed and
made a part of the records in the above case.

Malcolm J. Howard
Malcolm J. Howard
Senior U.S. District Judge